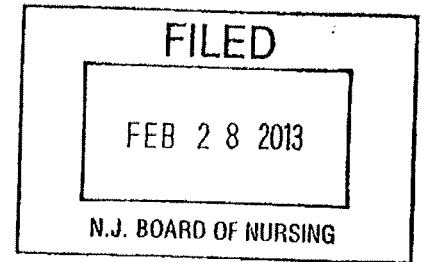


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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF NURSING

IN THE MATTER OF THE SUSPENSION OR :
REVOCATION OF THE CERTIFICATE OF :

DOMINIQUE S. SMITH, CHHA :
Certificate No. 26NH12681600 :

ADMINISTRATIVE ACTION

FINAL ORDER OF
DISCIPLINE

TO PRACTICE AS A HOMEMAKER-HOME :
HEALTH AIDE IN THE STATE OF NEW :
JERSEY :

This matter was opened to the New Jersey State Board of Nursing (the "Board") upon receipt of information which the Board has reviewed and on which the following preliminary findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Dominique S. Smith ("Respondent") is the holder of certificate number 26NH12681600 and has been certified at all times relevant hereto.

2. Upon receipt of a flagging notice indicating that Respondent was arrested on September 28, 2011 by the Trenton

Police Department for aggravated assault with a weapon, N.J.S.A. 2C:12-1(b)(3), possession of a weapon for unlawful purpose, N.J.S.A. 2C:39-4(d), and possession of a weapon, N.J.S.A. 2C:39-5(d), the Board sent a letter of inquiry, requesting certain information and submission of documents, to Respondent's address of record in Trenton, New Jersey, via regular and certified mail on or about November 22, 2011. A response was due within ten (10) days. The regular mailing was not returned; the United States Postal Service reports that the certified mailing was delivered in Trenton, New Jersey on November 29, 2011 at 5:45 p.m.

CONCLUSIONS OF LAW

Respondent's failure to respond to the Board's request for information constitutes a failure to cooperate with a Board investigation, in contravention of N.J.A.C. 13:45C-1.2, -1.3, in violation of N.J.S.A. 45:1-21(e), subjecting Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

Respondent's failure to provide the Board with a valid address constitutes a violation of N.J.A.C. 13:37-5.7.

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline (POD) was entered by this Board on July 11, 2012 provisionally suspending Respondent's

certificate to practice as a Certified Homemaker-Health Aide in the State of New Jersey until such time as Respondent cooperates with the Board's investigation by providing the Board with responses to the Board letter sent on or about November 22, 2011, including but not limited to, documentation concerning allegation that Respondent was arrested on September 28, 2011 by the Trenton Police Department for aggravated assault with a weapon, N.J.S.A. 2C:12-1(b)(3), possession of a weapon for unlawful purpose, N.J.S.A. 2C:39-4(d), and possession of a weapon, N.J.S.A. 2C:39-5(d). The POD further stated that the Board assessed fine, penalty and investigative cost in the amount of \$200.00. The POD was sent to Respondent's address of record via regular and Certified Mail. The Provisional Order of Discipline clearly stated that it was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless Respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefor.

By letter dated July 24, 2012, Ms. Smith responded to the

POD and claimed that she has been "in contact with the Attorney General's Office on more than one occasion and have provided them with the requested information." She further indicated that she is contesting all the charges and that her next court date is August 7, 2012. She explains that the criminal charges resulted from another individual harassing her, "I was defending myself against an assault by this other party who initiated the confrontation. There was no weapon found and there were many other people involved in the altercation."

The only document enclosed with her July 24th letter is a one page promis gavel print-out and a copy of the POD. Nonetheless, she claims to have enclosed the following information with her letter: \$200 money order; copy of Municipal Court Complaint and Disposition; updated status of case pending investigation, trial dates and any findings; copy of police report.

Neither The Board nor the Office of the Attorney General has received from Respondent copies of any municipal court complaints or dispositions (which may be obtained by contacting the Clerk of the municipal court who heard the case), copies of the original police report (which may be obtain from the police station where you were arrested), copies of any applicable Grand Jury indictments, or copies of any fines Ms. Smith may have paid

in connection with this matter. In addition, the Board has not been updated with the results of her latest court date of August 7, 2012.

Respondent failed to fully cooperate with the Board investigation and failed to submit a meaningful and detailed response to the POD. Accordingly, it is determined that further proceedings are not necessary and that the Provisional Order should be made final.

**ACCORDINGLY, IT IS, on this 20th day of February, 2013,
ORDERED that:**

1. Respondent's certification to practice as a homemaker-home health aide be and hereby is suspended until such time as Respondent cooperates with the Board's investigation by providing the Board with responses to the information requested in the Board letter sent on or about November 22, 2011, including but not limited to, documentation concerning that Respondent was arrested on September 28, 2011 by the Trenton Police Department for aggravated assault with a weapon, N.J.S.A. 2C:12-1(b)(3), possession of a weapon for unlawful purpose, N.J.S.A. 2C:39-4(d), and possession of a weapon, N.J.S.A. 2C:39-5(d),


2. Respondent shall refrain from engaging in the practice of homemaker-home health aide and shall not represent herself as

a certified homemaker-home health aide until such time as her certification is reinstated. Any practice in this State prior to such reinstatement shall constitute grounds for a charge of unlicensed practice.

3. Respondent shall remit payment of a fine and penalty pursuant to N.J.S.A. 45:1-25 in the amount of \$200.00 by certified check or money order payable to the State of New Jersey, delivered to Executive Director George Hebert, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Payment shall be made no later than fifteen (15) days **after** the entry date of any Final Order of Discipline in this matter. In the event Respondent fails to make a timely payment, a Certificate of Debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

NEW JERSEY STATE BOARD OF NURSING

By:


Patricia Murphy, PhD, APRN
President